

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THERESA MILLER,

No. C 13-01622 RS

Plaintiffs,

v.

**ORDER DISMISSING ACTION**

WELLS FARGO BANK N.A.,

Defendant.

In response to defendant's motion to dismiss this action, plaintiff filed what she docketed as a "response" but which appears in ECF as merely another copy of defendant's moving papers. She subsequently also filed a motion to remand. By prior written order, the motion to remand was denied, and plaintiff was expressly advised that she had failed to oppose the motion to dismiss, and she was given additional time to do so. Plaintiff failed to file such an opposition, or otherwise respond to the order.

Thereafter, plaintiff filed a notice of bankruptcy filing. Additionally, in its case management conference statement, defendant reports that its efforts to contact plaintiff's counsel have been unsuccessful. These circumstances reflect a clear abandonment by plaintiff of any effort to prosecute this action. Furthermore, while the automatic stay arising from a bankruptcy filing applies only to actions brought against the debtor, plaintiff likely lost standing to pursue this suit

absent involvement of the bankruptcy trustee. Accordingly, this action is hereby dismissed, without prejudice, and the Clerk shall close the file

IT IS SO ORDERED.

Dated: 9/12/13

  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE